


ORDERED.

Dated: May 06, 2016



Jerry A. Funk
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA JACKSONVILLE DIVISION

In re:
RICHARD A JACKSON JR and
DANA M JACKSON

Debtors

CASE NO: 3:15-bk-05275-JAF
Chapter 13

ORDER DISMISSING CHAPTER 13 CASE
(THIS ORDER IS EFFECTIVE ON THE 15TH DAY FOLLOWING DATE OF ENTRY)

The Trustee filed a Motion to Dismiss this case for failure of the Debtors to make interim payments as required by 11 U.S.C. § 1326(a)(1) of the Bankruptcy Code and as proposed in their Chapter 13 plan. The Court entered an Order on April 11, 2016 giving the Debtors twenty-one (21) days to bring all payments current. The Debtors have failed to bring payments current.

Accordingly

IT IS ORDERED:

1. The case is dismissed.
2. This case shall be and the same is hereby **DISMISSED** without prejudice and the automatic stay imposed by 11 U.S.C. § 362 and the stay of action against co-debtor by 11 U.S.C. § 1301 are lifted subject to paragraph 6 below.

3. If the Trustee has not already collected his percentage fee, the Trustee shall deduct from all monies disbursed his normal percentage thereof as necessary costs and expenses from sums collected pursuant to 11 U.S.C. §362, together with any fee, charge, or amount allowed under 28 U.S.C. Section 586(e)(2).

4. The Trustee shall return to the Debtor(s) any remaining funds on hand not previously disbursed, notwithstanding any other court orders, and shall thereafter file his final report, upon which filing, he will be discharged of his duties as Trustee. The Trustee shall return the aforementioned funds on hand to the Debtor(s), in care of Debtor(s) attorney, when represented by an attorney.

5. The Debtor(s) may convert this case to a case under another chapter of the Bankruptcy Code within 14 days of the date of this Order. If the case is not converted within 14 days, the case is dismissed effective on the 15th day after the date of entry of this Order.

6. If the Debtor(s) file a motion to vacate the Order Dismissing the Case within 14 days of the date of this Order, the automatic stay imposed by 11 U.S.C. §362 and the stay of action against co-debtor by 11 U.S.C. §1301 will remain in full force and effect until the Court rules on the Motion as filed.

7. All pending Chapter 13 hearings are canceled, except for any Order to Show Cause hearings the Court has set.

Copies furnished to:
All Interested Parties

Douglas W. Neway, the Chapter 13 Standing Trustee, is directed to serve a copy of this order or interested parties and file a proof of service within 3 days of entry of the order.